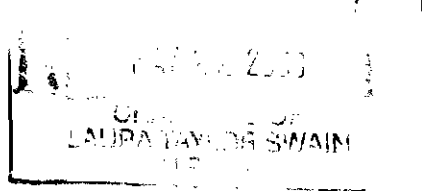
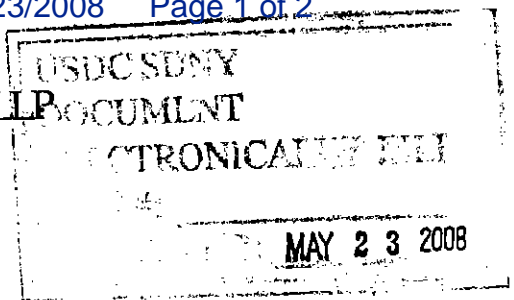


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May 22, 2008

VIA HAND DELIVERY

Hon. Laura Taylor Swain
United States District Judge
United States Courthouse
500 Pearl St., Room 755
New York, NY 10007

MEMO ENDORSED

Re: *Estate of Shefner v. Tuchman et al.*— Case No. 08 CV 4443 (LTS)(DFE)

Dear Judge Swain:

We represent plaintiff in the above-referenced matter and write in regard to your Honor's recent Initial Conference Order (the "Order"), entered on May 16, 2008. Specifically, we seek clarification concerning the service requirements for foreign entities named as defendants but not yet served.

As set forth in the Complaint, this action is brought against defendants located both in the United States and abroad. The United States defendants (Maurice Tuchman, Esti Dunow, and the National Gallery of Art) have all been served. The foreign defendants (the Galerie Cazeau Béraudière and Lontrel Trading) have not. In an effort to avoid the costs and delay of service on the foreign defendants under the Hague Convention, plaintiff has sent a waiver of service form under Fed. R. Civ. P. 4(d) to each. Receipt notifications indicate that the foreign defendants received the waiver forms on or about May 14, 2008, but plaintiff has, as of yet, received no response.

Without such a waiver in hand (or service under the Hague Convention effected), plaintiff is concerned that service of the Order on the foreign defendants pursuant to Fed. R. Civ. P. 5(b)(2) may run afoul of the Hague Convention and/or other international prohibitions on the service of legal documents abroad. As a result, we respectfully request that the service requirement contained in the Order be clarified/modified such that plaintiff is to serve the Order on each of the foreign defendants within 10 calendar days of either: (i) receipt of a duly executed waiver of service; or (ii) confirmation that service under the Hague Convention has been effected on the foreign defendant at issue.

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Hon. Laura Taylor Swain
May 22, 2008
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We stand at the Court's disposal, should it require more information in regard to the above.

Respectfully submitted,



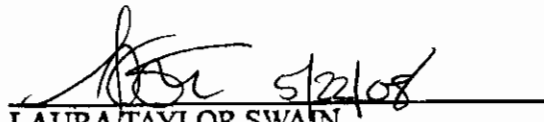
Karl Geercken

cc: Mr. Maurice Tuchman
Ms. Esti Dunow
National Gallery of Art
F. Paul Greene, Esq.

LEGAL02/30820551v1

The foregoing modification request is granted.

SO ORDERED.



LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE